

“(3) DERIVED.—Information or evidence is ‘derived’ from an acquisition when the Government would not have originally possessed the information or evidence but for that acquisition, and regardless of any claim that the information or evidence is attenuated from the surveillance or search, would inevitably have been discovered, or was subsequently reobtained through other means

“(b) LIMITATION ON AUTHORITIES.—Notwithstanding any other provision of this Act, an officer of the United States may not under this Act request an order for, and the Foreign Intelligence Surveillance Court may not under this Act order—

“(1) electronic surveillance of a United States person;

“(2) a physical search of a premises, information, material, or property used exclusively by, or under the open and exclusive control of, a United States person;

“(3) approval of the installation and use of a pen register or trap and trace device to obtain information concerning a United States person;

“(4) the production of tangible things (including books, records, papers, documents, and other items) concerning a United States person; or

“(5) the targeting of a United States person for the acquisition of information.

“(c) LIMITATION ON USE OF INFORMATION CONCERNING UNITED STATES PERSONS.—

“(1) DEFINITION OF AGGRIEVED PERSON.—In this subsection, the term ‘aggrieved person’ means a person who is the target of any surveillance activity under this Act or any other person whose communications or activities were subject to any surveillance activity under this Act.

“(2) IN GENERAL.—Except as provided in paragraph (3), any information concerning a United States person acquired or derived from an acquisition under this Act shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

“(3) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under this Act in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.”

(2) CLERICAL AMENDMENT.—The table of contents preceding section 101 is amended by adding at the end the following:

“TITLE IX—LIMITATIONS

“Sec. 901. Limitations on authorities to surveil United States persons and on use of information concerning United States persons.”

(b) LIMITATION ON SURVEILLANCE UNDER EXECUTIVE ORDER 12333.—

(1) DEFINITIONS.—In this subsection:

(A) AGGRIEVED PERSON.—The term ‘aggrieved person’ means a person who is the target of any surveillance activity under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities) or any other person whose communications or activities were subject to any surveillance activity under such Executive Order.

(B) PEN REGISTER; TRAP AND TRACE DEVICE; UNITED STATES PERSON.—The terms ‘pen register’, ‘trap and trace device’, and ‘United States person’ have the meanings given such terms in section 901 of the Foreign Intelligence Surveillance Act of 1978, as added by subsection (a).

(2) LIMITATION ON ACQUISITION.—Where authority is provided by statute or by the Federal Rules of Criminal Procedure to perform physical searches or to acquire, directly or

through third parties, communications content, non-contents information, or business records, those authorizations shall provide the exclusive means by which such searches or acquisition shall take place if the target of acquisition is a United States person and the information is sought for foreign intelligence purposes.

(3) LIMITATION ON USE IN LEGAL PROCEEDINGS.—Except as provided in paragraph (5), any information concerning a United States person acquired or derived from an acquisition under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities), where such acquisition is not authorized by statute or by the Federal Rules of Criminal Procedure, shall not be used in evidence against that United States person in any criminal, civil, or administrative proceeding or as part of any criminal, civil, or administrative investigation.

(4) LIMITATION ON UNITED STATES PERSON QUERIES.—No governmental entity shall query communications content, non-contents information, or business records acquired for foreign intelligence purposes under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities) but without statutory authorization or authorization under the Federal Rules of Criminal Procedure using search terms associated with a United States person.

(5) USE BY AGGRIEVED PERSONS.—An aggrieved person who is a United States person may use information concerning such person acquired under Executive Order 12333 in a criminal, civil, or administrative proceeding or as part of a criminal, civil, or administrative investigation.

SA 4395. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1213 and insert the following:

SEC. 1213. PROHIBITION ON USE OF FUNDS FOR TALIBAN AND RESCISSION OF UNOBLIGATED BALANCES FOR AFGHANISTAN.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or any other Act may be made available for the transfer of funds, supplies, or any other item of monetary value to the Taliban.

(b) RESCISSION.—

(1) IN GENERAL.—There are hereby rescinded all unobligated balances from the amounts appropriated or otherwise made available to the covered funds for reconstruction activities in Afghanistan.

(2) COVERED FUNDS DEFINED.—In this subsection, the term ‘covered funds’ means, with respect to amounts appropriated for Afghanistan—

(A) the Afghanistan Security Forces Fund (ASFF);

(B) the Economic Support Fund (ESF);

(C) International Narcotics Control and Law Enforcement (INCLE);

(D) the Commanders’ Emergency Response Program (CERP);

(E) Drug Interdiction and Counter-Drug Activities (DICDA);

(F) Migration and Refugee Assistance (MRA);

(G) International Disaster Assistance (IDA); and

(H) Non-Proliferation, Antiterrorism, Demining, and Related (NADR).

SA 4396. Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—International Pandemic Preparedness and COVID-19 Response

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ‘‘International Pandemic Preparedness and COVID-19 Response Act of 2021’’.

SEC. 1292. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(2) GLOBAL HEALTH SECURITY AGENDA; GHSA.—The terms ‘‘Global Health Security Agenda’’ and ‘‘GHSA’’ mean the multi-sectoral initiative launched in 2014 and renewed in 2018 that brings together countries, regions, international organizations, nongovernmental organizations, and the private sector to elevate global health security as a national-level priority, to share best practices, and to facilitate national capacity to comply with and adhere to—

(A) the International Health Regulations (2005);

(B) the World Organisation for Animal Health international standards and guidelines;

(C) United Nations Security Council Resolution 1540 (2004);

(D) the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow, April 10, 1972 (commonly referred to as the ‘‘Biological Weapons Convention’’);

(E) the Global Health Security Agenda 2024 Framework; and

(F) other relevant frameworks that contribute to global health security.

(3) GLOBAL HEALTH SECURITY INDEX.—The term ‘‘Global Health Security Index’’ means the comprehensive assessment and benchmarking of health security and related capabilities across the countries that make up the States Parties to the International Health Regulations (2005).

(4) GLOBAL HEALTH SECURITY INITIATIVE.—The term ‘‘Global Health Security Initiative’’ means the informal network of countries and organizations that came together in 2001 to undertake concerted global action to strengthen public health preparedness and response to chemical, biological, radiological, and nuclear threats, including pandemic influenza.

(5) JOINT EXTERNAL EVALUATION.—The term ‘‘Joint External Evaluation’’ means the